

**MINUTES OF THE OPEN SESSION
OF THE RHODE ISLAND ETHICS COMMISSION**

September 24, 2013

The Rhode Island Ethics Commission held its 10th meeting of 2013 at 9:00 a.m. at the Rhode Island Ethics Commission conference room, located at 40 Fountain Street, 8th Floor, Providence, Rhode Island, on Tuesday, September 24, 2013, pursuant to the notice published at the Commission Headquarters, the State House Library, and electronically with the Rhode Island Secretary of State.

The following Commissioners were present:

**Ross Cheit, Chair Edward A. Magro
Mark B. Heffner* James V. Murray
John M. LaCross Robert A. Salk**

Also present were Edmund L. Alves, Jr., Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Staff Attorneys Jason Gramitt, Nicole B. DiLibero and Amy C. Stewart; and Commission Investigators Steven T. Cross, Peter J. Mancini and Gary V. Petrarca.

At 9:03 a.m. the Chair opened the meeting. The first order of business was the approval of minutes of the Open Session held on

August 20, 2013. Upon motion made by Commissioner Magro and duly seconded by Commissioner LaCross, it was

VOTED: To approve minutes of the Open Session held on August 20, 2013.

AYES: Edward A. Magro; Robert A. Salk; Ross Cheit.

ABSTENTIONS: James V. Murray; John M. LaCross.

***Commissioner Heffner arrived at 9:05 a.m.**

The next order of business was advisory opinions. The advisory opinions were based on draft advisory opinions prepared by the Commission Staff for review by the Commission and were scheduled as items on the Open Session Agenda for this date. The first advisory opinion was that of:

W. Douglas Gilpin, Jr. FAIA, a member of the Town of New Shoreham Historic District Commission, who in his private capacity is an architect, requesting an advisory opinion regarding whether he qualifies for a hardship exception to the Code of Ethics' prohibition on appearing before his own board to help his client obtain a Certificate of Appropriateness.

Staff Attorney Stewart presented the Commission Staff

recommendation. The Petitioner was not present. Upon motion made by Commissioner Murray and duly seconded by Commissioner LaCross, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to W. Douglas Gilpin, Jr. FAIA, a member of the New Shoreham Historic District Commission.

The next advisory opinion was that of:

David J. Cluley, P.E., a Senior Civil Engineer for the Bridge Engineering Section of the Rhode Island Department of Transportation, requesting an advisory opinion regarding whether the Code of Ethics prohibits him from being engaged, in his private capacity as a professional engineer, to design an Onsite Wastewater Treatment System for the Rhode Island Department of Environmental Management.

Staff Attorney Gramitt presented the Commission Staff recommendation. The Petitioner was not present. Upon motion made by Commissioner Magro and duly seconded by Commissioner LaCross, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to David J. Cluley, P.E., a Senior Civil Engineer for the Bridge Engineering Section of the Rhode Island Department of Transportation.

The next order of business was an Education Update. Staff Attorney Gramitt gave a summary of the education training seminars presented by the Commission in Fiscal Year 2013.

The next order of business was the Election of Officers. With the concurrence of the other members, Chair Cheit continued this matter to the next meeting.

The next order of business was the Director's Report. Executive Director Willever reported that there were two (2) complaints, two (2) advisory opinions and one (1) litigation matter pending. He stated that nine (9) APRA requests were granted since the last meeting, all of which were completed within one (1) business day.

At 9:21 a.m., upon motion made by Commissioner Murray and duly seconded by Commissioner Magro, it was unanimously

VOTED: To go into Executive Session, to wit:

a.) Motion to approve minutes of Executive Session held on August 20, 2013, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).

b.) In re: Gordon Fox, Complaint No. 2013-5, pursuant to R.I. Gen. Laws § 42- 46-5(a)(2) and (4).

The Commission reconvened in Open Session at approximately 9:38 a.m.

The next order of business was a motion to seal the minutes of the September 24, 2013, Executive Session. Upon motion made by Commissioner Heffner and duly seconded by Commissioner Magro, it was unanimously

VOTED: To seal the minutes of the September 24, 2013, Executive Session.

Chair Cheit reported that during Executive Session, the Commission unanimously voted to authorize a full investigation relative to Financial Disclosure Statements filed in 2007, 2008 and 2009, in the matter In re: Gordon Fox, Complaint No. 2013-5.

[Reporter's Note – The Commission also voted to approve the minutes of the Executive Session held on August 20, 2013. The vote was as follows:

AYES: Edward A. Magro; Robert Salk; Ross Cheit.

ABSTENTIONS: James V. Murray; John M. LaCross; Mark B. Heffner.]

The next order of business was New Business. There being none, at 9:40 a.m. upon motion made by Commissioner LaCross and duly seconded by Commissioner Magro, it was unanimously

VOTED: To adjourn.

Respectfully

submitted,

John D. Lynch, Jr.
Secretary